

Notice of Application Procedures for Swine Facilities

Required Public Notice, pursuant to K.S.A. 65-1, 179 and K.A.R 28-18a-7(b):

Due to the proposed construction or expansion of your facility you are required to provide the following public notice. Please submit a copy of your proposed newspaper notice to the Kansas Department of Health and Environment (the Department) for approval **prior** to distribution and publishing. Attached is an example newspaper notice for your convenience.

1. Publish a single notice of application in the official county newspaper and in a newspaper regularly published and circulated serving the county and general area of the swine facility if different from the official county newspaper. If the facility is located within 1 mile of an adjoining county, a single notification shall be provided to the official newspaper serving the adjoining county. You are responsible for the cost of publication in the newspaper or newspapers.
2. Notify the department by mail or by facsimile (785) 559-4258 within two working days after the date of publication of the notice to confirm that the notice has been published, include a copy of the published notice. This notice is required before the Department can place the permit on public notice in the Kansas Register.

Within 20 calendar days following the date of publication, provide the Department a **publisher's affidavit of publication or certified copy of the publication**. The processing of the permit shall be terminated by the Department until the operator provides the publisher's affidavit or certified copy of the publication.

3. Provide a copy of the newspaper notice by **certified mail, return receipt requested**, to owners of habitable structures within the prescribed separation distance as described on page 4 of the permit application. This separation distance is measured from the exterior perimeter of any buildings utilized for housing swine, any lots containing swine, any swine waste retention lagoons or other manure or wastewater storage structures and any areas designated for expansion. You must **provide proof of this notification to the Department** within 20 calendar days of mailing.
4. Provide a copy of the newspaper notice by **certified mail, return receipt requested** to the county commission of the county where the facility is or will be located. Also, provide a copy of the newspaper notice by **certified mail, return receipt requested** to the mayor of each municipality within three miles of the facility. You are to **provide proof of this notification to the Department** within 20 calendar days of the date the notice is mailed.
5. The applicant must send a copy of the permit application including the proposed design plans to the county clerk in the county where the swine facility will be located.

Permit Applications will be considered incomplete and notification will not be sent to the Kansas Register until the certified mail receipts of the mailed notifications are received.

Public Notice Requirements

The required public notice shall contain the following information:

- 1) the name, address and telephone number of the official at the department who is responsible for processing the application and the locations where further information and copies of documents can be reviewed, which locations shall be in the county where the facility is or will be located;
- 2) the names and addresses of the operator of the facility and the owner of the property where the facility is or will be located;
- 3) a statement of the tentative determination of the department to approve the issuance of the permit;
- 4) a brief description of the procedures and schedule for making the final determination of approval or disapproval;
- 5) notice of availability of the document and fact sheet;
- 6) a request for public comment on the tentative decision to approve the issuance of the permit and the requirements for the facility described in the document prepared pursuant to subsection (b)(1);
- 7) a description of the procedures for providing public comment.

Example Public Notice

Pursuant to K.S.A. 65-1,179(c) and (d) and K.A.R 28-18a-7, this notification is to inform all potentially concerned parties that (facility name, address, phone #) plans to (construct and operate, modify and/or expand) a livestock waste management facility to serve a swine operation located in (legal description including quarter section) of (which) County. The property is under the ownership of (name) and the facility is operated by (name). A permit application, plans and specifications have been submitted to the Kansas Department of Health and Environment (KDHE) Central Office by (applicant's name, facility name). Contingent upon a satisfactory review of the application and supporting documents by the KDHE, a draft permit for Public Notice will be issued, after which a determination will be made to issue or deny a Water Pollution Control Permit. The Department has 180 days from the date of submittal of a complete application to make a final determination. Any persons wanting to review the application and supporting documents may do so at the (which) County Clerk's Office, the KDHE (direction) District Office at (KDHE District Office Address) (phone #), or the KDHE Central Office (785-296-6432) located at the address below. This information is also available on the internet at <https://www.kdheks.gov/feedlots>. Any person wanting to comment during the public notice of application period may do so by submitting written comments to Matthew Steele, Ph.D., P.E., KDHE, Livestock Waste Management Section, 1000 SW Jackson St., Suite 430, Topeka, KS 66612-1367, within 30 days of this publication.

A copy of the approved notice shall be posted in the following locations:

Official County Paper: _____

Local Paper: _____

If facility is located within 1 mile of an adjoining county, notice also needs to be placed in that county's official newspaper.

Adjoining County Official County Paper: _____